

**CHARGE OF DISCRIMINATION
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION**

Docket #: FILING DATE:
EEOC NUMBER: VIOLATION DATE: 4-3-04

NAME AND ADDRESS OF AGGRIEVED PERSON OR ORGANIZATION: CONCETTA NYMAN
28 SUFFOLK AVENUE
SWAMPSCOTT, MA 01907

TELEPHONE NUMBER: (781) 598-6619

NAME OF RESPONDENT(S): FEDERAL RESERVE BANK OF BOSTON
600 ATLANTIC AVENUE
BOSTON, MA 02106

NUMBER OF EMPLOYEES: AT LEAST 50

CAUSE OF DISCRIMINATION BASED ON: DISABILITY

THE PARTICULARS ARE:

1. I charge Respondent with discrimination on the basis of disability in violation of Mass. Gen. L. c. 151B and any other applicable state and federal laws or regulations.
2. I have been employed by Respondent for approximately 35 years and was most recently employed as a senior cash paying teller.
3. On or about July 31, 2000, I started to suffer from bilateral frozen shoulders, due to my employment.
4. As a result, I collected workers' compensation for approximately six months.

5. I subsequently returned to work on or about February 12, 2001, with a note from my rheumatologist, Dr. Amante.
6. Although Dr. Amante recommended that I return to work with restrictions, Respondent did not honor Dr. Amante's requests and had me working with a high speed machine.
7. As a result, I developed tendinitis and bursitis in both shoulders.
8. In approximately February 2003, I met with the nurse from Respondent, who stated that I should be working with at least three other people, instead of the two people that I was working with.
9. When I informed my manager, Joe Bosco of this fact, he stated that it was unacceptable and that he would tell the nurse not to change her mind.
10. As a result of my problems with my shoulders, I have been unemployed since March 26, 2003.
11. On or about November 3, 2003, I applied for Long Term Disability benefits as a result of my problems with my shoulders.
12. Such claim was denied on or about May 4, 2004.
13. On or about May 7, 2004, I received a letter from Karen Foley, Employment Services Manager, stating that my employment was terminated, effective April 3, 2004.
14. I would have been able to perform the essential functions of my job if I had been given the requested reasonable accommodations.
15. I have experienced emotional distress and associated symptoms, including stress, frustration and anxiety.
16. I have lost income as a result of Respondent's actions.

I ALSO WANT THIS CHARGE FILED WITH THE EEOC

I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER. I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURES.

I SWEAR OR AFFIRM THAT I HAVE READ THIS COMPLAINT AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.


CONCETTA NYMAN

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21st DAY OF JUNE, 2004.

NOTARY PUBLIC: D.C.

MY COMMISSION EXPIRES: 12-1-07

FEDERAL RESERVE BANK
OF BOSTON

D. Box 2076
D.C. 02106-2076

Boston, Ma

Sent via: US Mail and FedEx.

May 7, 2004

Ms. Concetta Nyman
30 Suffolk Ave., #2
Swampscott, MA 01907-1127

Dear Ms. Nyman:

You have been out on sick leave from
Department since April 3, 2003.

After receiving notice and sub-
of Family and Medical Lea
Under the terms of the E
disabled for six mos
until March 31, 2004.

as a Senior Paying Teller in the Cash Services

the required forms, you qualified for and used the 16 weeks
available to you under the Bank's Family and Medical Leave Policy.
Long Term Disability (LTD) plan, an employee who has been totally
apply for LTD. Your LTD claim has been denied, however you had
appeal that decision.

ave policy (section 3.21 of the Personnel Policies and Practices Manual) states
may not exceed one calendar year of continuous absence. While you were waiting
on your LTD appeal we placed you on a leave of absence (no pay status).

LTD appeal has been denied. Accordingly, your employment with the Federal Reserve Bank
Boston has been terminated effective April 3, 2004.

You need to call the Benefits Express Center at 1-877-377-2255 to process your retirement, thrift
plan, health and dental transactions.

Sincerely,



Karen Foley
Employment Services Administrator

cc: John Kroen, AVP Human Resources
Leah Maurex, AVP Cash Services

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the nurse for the back sent me down with 2 notes, reinforced not to lift more than 10 lbs
and needed at least 3 people in the room
manager said unacceptable and he sent me back to work for another 3 months
and shoulders got so bad rheumatologist said she had to go out on disability
went out for a year
the banks disability refused me and the appeal was refused
but social security disability accepted it at first request
not working not
not working since 3/26/2003
now appears to be permanently disabled

PAST MEDICAL HISTORY: Entered By:bsinger On:11/17/2004

Migraine HA
sleep disorder
frozen shoulders
hyperlipidemia
anemia
glaucoma 3/18/03 Dr Fraioli notes myopia, macular degeneration decreased fields of vision
macular degeneration

fatigue
hypothyroidism
hemorrhoids
diplopia/unknown etiology

depression
GERD
Migraine said unacceptable and he sent me back to work for another 3 months
and shoulders got so bad rheumatologist said she had to go out on disability
primary care issues:

last TD 12/2000
bone density 5/01
5/2/01 bone density mgh femur t score is -1.0

10/25/04 bone density t score ap spine -1.4 lateral spine -0.7 total hip -0.5 and fem neck -1.8
colonoscopy mgh 4/01 clear, repeat in 10 years

stool guaiac x 3 ordered 6/24/03 and ordered 5/14/04 and ordered 7/28/04
mammogram 10/17/01 and 1/02 and ordered 6/24/03 and reordered 5/14/04
was due 7/21/04 and postponed until 10/25/04

pap 12/20/01 and 6/24/03 and ordered return appt 5/14/04; pap done 7/28/04 = negative
Migraine HA

PAST SURGICAL HISTORY: Entered By:bsinger On:12/13/2000

No significant surgical history.

PAST OBSTETRIC HISTORY: Entered By:bsinger On:12/13/2000

GO
Menarche age 15
First sexually active 30
Total partners 1
last menses age 48

FAMILY HISTORY: Entered By:bsinger On:07/28/2004

mother had to go out on disability
primary care issues:

last TD 12/2000
bone density high normal t score ap spine -1.4 lateral spine -0.7 total hip -0.5 and fem neck -1.8
colonoscopy 4/01 clear, repeat in 10 years

mammogram 10/17/01 and 1/02 and ordered 6/24/03 and reordered 5/14/04
was due 7/21/04 and postponed until 10/25/04

pap 12/20/01 and 6/24/03 and ordered return appt 5/14/04; pap done 7/28/04 = negative

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6/21/04 Impression; Patient does exhibit some signs of underlying arthritis, but I agree with the initial assessment of Drs. Amante and Robinson, that the frozen shoulder syndrome

is not generally due to arthritis, but to limited range of motion related to repetitive motion related to work. With recent reports she is disabled from her condition, will have at least partial disability permanently.

7/28/04 pt now trying to get workers comp and applying for SSDI

11/16/04 attorney green called 617 926 8800; needs letter about whether pt is disabled or not

dr singer called pt and she told him above, dr singer did not call the attorney
she was told to make appointment for exam and to discuss her limitations

11/17/04 when I wash my hair my shoulders are too tired to use a blow dryer my sister has to do that for me

unable to work windows and screens at home due to shoulder pains

at night shoulders ache badly

taking jacket on and off it hurts

my quality of life has really been affected

was out of work for 6.5 months with frozen shoulder

back to work on light duty but wasn't in my dept had to do a different department
and was lifting more than 10# pushing containers of money over 1000 lbs did for 2.5 years

the nurse for the back sent me down with 2 notes, reinforced not to lift more than 10 lbs
and needed at least 3 people in the room.

manager said unacceptable and he sent me back to work for another 3 months

and shoulders got so bad rheumatologist said she had to go out on disability

went out for a year

the banks disability refused me and the appeal was refused

but social security disability accepted it at first request

not working not

not working since 3/26/2003

now appears to be permanently disabled

2/4/05 persistent pain in shoulders and limitation of motion

9/27/05

had MRI of the shoulders dr morley in lowell it was done at brigham

there is a tear in the ant left rot cuff

settled for workmens comp lump sum

ongoing case with the bank should have put her on light duty then might not be disabled
and another case the bank disability refused x 2 but she was accepted for SS disability

Problem: a symptom

Code: 346.90 Headache, migraine

Careplan:

tolerable on propranolol

MASSACHUSETTS GENERAL HOSPITAL
BOSTON, MASSACHUSETTS
PROGRESS NOTES

Date

PATIENT IDENTIFICATION AREA

EXHIBIT

MRN: 1346

Name: W

ETTA

Enter name and unit number on both sides of EVERY sheet, Addressograph plate to be used when available. Name and unit number to be written distinctly when plate is not available.

by: Robert E. Singer, MD on 4/22/02
at DOR: 2/13/50

DATE TIME

MGH - Everett Family Care

19-21 Norwood St

Everett, MA 01149

Phone 617-394-7500 Fax 617-394-7516

H&P (HCP)

spent lately

no side effects

ordered by the rheumatologist and light duty to continue work.

rest for a month due to news reports
on it for 2 weeks.

was on trazodone and taking it too early and not sleeping well doing better by taking it at night

has app with dr amante 1/102 about shoulder may be ready to go back to full duty

3/25/02 3 weeks extreme fatigue

can't do anything

wants to sleep all the time

totally exhausted

is on trazodone and propranolol and getting headaches

gets nausea with them not typical for her not severe sharp
but sinus aches and usually unilateral and with nausea

2-3 times a week

in the morning qd has a headache or fuzziness in the AM

quit smoking 6 mon ago and new stomach pains have occurred

4/22/02 tried trazodone qhs felt the same as before groggy or out of it so it changes my consciousness
so stopped it a lot better can function but not sleeping good but sleeps better than with the traz
sleeps a few hours then awake few then back to sleep
getting 4 hour sleep each night tired
smoking husband says she does snore
had a sleep test 4-5 years ago

MASSACHUSETTS GENERAL HOSPITAL

BOSTON, MASSACHUSETTS

PROGRESS NOTES

Enter name and unit number on both sides of EVERY sheet, Addressograph plate to be used when available. Name and unit number to be written distinctly when plate is not available.

MRN: 1346064

Name: NYMAN, CONCETTA

MASSACHUSETTS GENERAL HOSPITAL

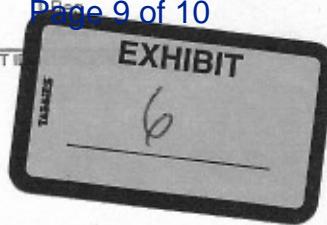
BOSTON, MASSACHUSETTS

PROGRESS NOTES

Enter name and unit number on both sides of EVERY sheet, Addressograph plate to be used when available. Name and unit number to be written distinctly when plate is not available.

MRN: 1346064

Name: NYMAN, CONCETTA



		H&P (HCFA)
DATE	TIME	
		MGH - Everett Family Care 19-21 Norwood St Everett, MA 02149 Phone 617-394-7500 Fax 617-394-7576
		Written By: Robert E. Singer, MD on 10/25/00 Patient DOB: 2/13/50
		Patient Profile The patient is being seen for frozen shoulders.
		History of Present Illness:
		Prior 8/22/00 Has not yet received appt at spine center, plans to call tomorrow to make appt
		Seen by Dr. Amante and Dr. Robinson who feel that she has bilat frozen shoulder and a damaged rotator cuff. They referred her to PT. They did not feel that the MRI of her neck was contributing to her Rt arm pain. Also felt to possibly be job related. Is on Vioxx and extra strength tylenol which is just beginning to help. Has f/u scheduled Oct 16/00.
		Also seeing neuro-ophthalmologist for decreased vision in Rt eye, visual field defect per pt. She has been scheduled for brain MRI 8/29/00.
		Now with increased difficulty sleeping despite trazadone 25mg. Has d/c'd paxil.
		Being treated in PT twice weekly, Rt arm is improving, L arm seems to be getting worse. Joined health club and using pool daily for 30 minutes, not swimming just moving arms around to increase ROM Has appt with Dr. Amante (rheumatology) on 10/16 Has appt with neurology on 10/3 Currently on anaprox and tylenol arthritis which seems to be helping. continues to be out of work due to pain
		Has not been sleeping well due to pain but notes that last night she did sleep for a 5 hour stretch which is very good for her. Trazadone 50mg qd
		10/25/00 rheumatologist dr amante (fellow) workers comp doctor said this was DJD of neck causing the problem so took her off her workers comp also saw a MGH neurologist, said these are frozen shoulders it was Dr Barr Emerson place and back for check up with dr amante

Patient: NYMAN, CONCETTA MRN: 1346064(MGH)



Karen Atkinson, MD
**MASSACHUSETTS
GENERAL HOSPITAL**



St. HARVARD
MEDICAL SCHOOL

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Rheumatology Associates

Wang ACC 730
 15 Parkman Street
 Boston, Massachusetts 02114-3117
 Tel: 617.726.7938. Fax: 617.724.2718
 Emergency: 617.726.2066

Dwight R. Robinson, M.D. Michael Hait, M.D.
Clinical Chief Simon M. Helfgott, M.D.
 Karen V. Atkinson, M.D. John A. Mills, M.D.
Director William N. Pachas, M.D.
 Lindsay Bringhurst, R.N. Richard P. Polisson, M.D.
Practice Manager Mahboob U. Rahman, M.D.
 Eric Amante, M.D. Anthony M. Reginato, M.D.
 Herbert Ang, M.D. Margaret Seton, M.D.
 Donald B. Bloch, M.D. Francine Ton, M.D.
 Hyon K. Choi, M.D. Stephen Wax, M.D.
 Karen Costenbader, M.D. David Wu, M.D.

Maureen Manning
 Federal Reserve Bank of Boston
 600 Atlantic Ave
 PO Box 2076
 Boston, MA 02106

Mrs Manning,

I have followed Nyman Concetta in my rheumatology clinic at Mass General Hospital since Dr. Amante left in July of 2002. She has frozen shoulders which were improving but now have worsened again. Any repetitive actions seem to exacerbate her condition. I believe she is unable to work due to her shoulders. I have also referred her to a shoulder surgeon.

Sincerely,

Karen Atkinson, MD MPH